

**COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION**

**FISCAL NOTE**

L.R. No.: 0621-05  
Bill No.: Perfected HCS for HB 138  
Subject: Boards, Commissions, Committees, Councils; Law Enforcement Officers and Agencies.  
Type: Original  
Date: April 23, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Office of the State Treasurer, Office of the Secretary of State, Department of Higher Education, Department of Public Safety - Missouri Highway Patrol** and the **Office of Administration - Divisions of Accounting** as well as **Budget and Planning** each assume this proposal would not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services** state the second part of the proposal, regarding prisoners, would result in some additional work for local prosecutors. However, it was indeterminable if it would create a fiscal impact to the prosecutors or not.

Officials from the **Office of the State Courts Administrator** state there would not be any immediately quantifiable costs to the judiciary.

Officials from the **Department of Corrections (DOC)** assume this proposal would result in zero or a minimal fiscal impact that could be absorbed with existing resources. DOC stated the proposal allows

### **ASSUMPTION** (continued)

RAS:LR:OD (12/02)

the new commission to meet and make recommendations but does not mandate new training or new activities, therefore, the proposal does not have a fiscal impact.

Officials from the **Clark County Sheriff's Office** state this proposal could result in significant costs if it requires mandatory certification of Jail Detention Officers. The cost of hiring, training and retention of personnel would increase with this proposal. Currently, the Clark County Sheriff's Office spends roughly \$1,200 annually per jail officer for continuing education, and assume they will spend roughly \$8,500 per jail officer under this proposal, based on what is currently spent on POST training.

In response to a similar proposal from this year, the **Circuit Clerk of Greene County** assumed no fiscal impact from the proposal.

**Oversight** assumes the first part of the proposal regarding the new commission is permissive (allows them to undertake certain actions) and does not require new certification standards for the officers. If new certification standards are established by this commission, Oversight assumes new legislation would be needed to implement the new requirements. Oversight assumes the second part of the legislation, regarding the transfer and treatment of offenders, would not result in a fiscal impact to the local political subdivisions.

Officials from the **Boone County Sheriff's Office, Greene County Sheriff's Office, Jackson County Sheriff's Office, St. Louis County Department of Justice Service, St. Louis Sheriff's Office** and the **Circuit Clerks of St. Louis and Jackson Counties** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This substitute contains provisions relating to the Department of Corrections. The substitute:

- (1) Establishes the Corrections Officers Certification Commission within the Department of Corrections;
- (2) Allows the commission to cause a job task analysis to be made for corrections officers and jailers, both public and private;
- (3) Authorizes the commission to make recommendations to the Department of Corrections, the General Assembly, and the Governor regarding qualifications, training, testing, and certification of corrections officers and jailers;
- (4) Allows for the appointment of commission members, establishes their qualifications, and sets their terms of service;
- (5) Allows the department director to create various classes of corrections officer certification;
- (6) Contains provisions regarding the confidentiality of personnel records of corrections officers;
- (7) Requires that certain information be provided prior to the delivery of prisoners to correctional centers. The county sheriff must provide a certified copy of the sentence, including specifics on statutes violated, probation, restitution, gang affiliation, and any information about the physical and mental health of the prisoner;
- (8) Allows the department to refuse to accept a prisoner without all the required information;

DESCRIPTION (continued)

- (9) Requires all offenders under the age of 17 to be emancipated for the purposes of decision

making and participation in all department programs; and

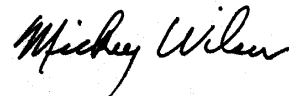
(10) Provides that hearings for violations of correctional facility rules are not considered contested cases according to administrative procedure and review.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Corrections  
Department of Public Safety  
Office of Administration  
Department of Higher Education  
Office of the State Treasurer  
Office of the State Courts Administrator  
Office of the Secretary of State  
Clark County Sheriff  
Office of Prosecution Services  
Circuit Clerk of Greene County

**NOT RESPONDING: Greene County Sheriff, Boone County Sheriff, Jackson County Sheriff, St. Louis County Department of Justice Service, St. Louis Sheriff's Office, Circuit clerks from St. Louis and Jackson Counties.**



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APRIL 23, 2003